

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 3, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-17724 - APPLICANT/OWNER: SILVER STATE BANK**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Site Development Plan Review (SDR-12901), if approved.
2. This approval shall be void two years from the date of final approval, unless a business license or building permit have been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit for a Financial Institution, General (with drive-through) located at 7125 North Durango Drive. The applicant has also requested a waiver to allow a drive-through less than 330 feet from a single-family residential dwelling and building placement behind the front setback line within the Durango Elkhorn Commercial Center.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
Month/date/year	Action
1/17/01	The City Council approved a petition to Annex (A-0003-99) property generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the subject site. The Planning Commission and staff recommended approval on 03/25/99. The effective date was 01/26/01.
9/18/02	The City Council approved a request for a Rezoning (Z-0064-02) from U (Undeveloped) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, to R-PD7 (Residential Planned Development - 7 Units Per Acre) on approximately 7.4 acres adjacent to the north side of Grand Teton Drive, approximately 225 feet west of Durango Drive. The Planning Commission and staff recommended approval on 08/22/02.
11/20/02	The City Council approved a request for a Rezoning (Z-0085-02) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to TC (Town Center) on 5.0 acres located adjacent to the southwest corner of Elkhorn Road and El Capitan Way. The Planning Commission and staff recommended approval on 10/24/02.
11/20/02	The City Council approved a request for a Special Use Permit (U-0129-02) for a proposed Tavern adjacent to the southwest corner of Elkhorn Road and El Capitan Way (Durango Drive Alignment). The Planning Commission and staff recommended approval on 10/24/02.
3/17/04	The City Council approved a request for a Variance (VAR-3736) to allow 109 parking spaces where 138 parking spaces are the minimum required in conjunction with a proposed office/retail development on 1.75 acres adjacent to the west side of Durango Drive, approximately 350 feet south of Elkhorn Road. The Planning Commission and staff recommended approval on 02/12/04.

4/22/04	The Planning Commission approved a request for a Tentative Map (TMP-3657) for a one-lot commercial subdivision on 4.00 acres adjacent to the southwest corner of Elkhorn Road and Durango Drive. Staff had recommended approval.
9/23/04	The Planning Commission approved a request for a Site Development Plan Review (SDR-4935) for and Waivers of the Town Center Development Standards for the two-story minimum height requirement in the Urban Center Mixed-Use District and the 70 percent minimum clear glazing requirement at the ground floor level along primary pedestrian routes for a proposed 43,200 square-foot commercial development on 3.94 acres. Staff had recommended approval.
7/19/06	The City Council approved a Site Development Plan Review (SDR-12901) for a proposed Financial Institution General and a Special Use Permit (SUP-12902) for a Drive-Through for a Financial Institution, General. The approval amended the conditions to remove the drive-through. Planning Commission recommended approval, Staff recommend denial.
12/07/06	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #34/mh).
<b><i>Related Building Permits/Business Licenses</i></b>	
Month/date/year	Description
	There is a "Bob's Big Boy" at 7125 N. Durango with business license R09-12888. There is no license for a bank at this location
<b><i>Pre-Application Meeting</i></b>	
10/10/06	Issues discussed included the need for waivers from Town Center standards, as well as a Special Use Permit to allow a Financial Institution, General (with drive-through) due to several inconsistencies with required conditions of the proposed use.
<b><i>Neighborhood Meeting</i></b>	
11/20/06	A Neighborhood Meeting was held at the Cimarron Rose Community Center by the architect (Richard Gallegos) and one other representative for the development as well as one member from the Planning and Development Department staff. No neighbors attending the meeting.
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.63 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use-Town Center)	T-C (Town Center)
North	Undeveloped	UC-TC (Urban Center Mixed Use-Town Center)	T-C (Town Center)
South	Undeveloped	UC-TC (Urban Center Mixed Use-Town Center)	T-C (Town Center)
East	Shopping Center	UC-TC (Urban Center Mixed Use-Town Center)	T-C (Town Center)
West	Single Family Residential	M-TC (Medium Density Residential - Town Center)	T-C (Town Center)

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	X	
Town Center	X	
<b>Special Overlay District</b>		X
<b>Trails</b>		X
<b>Rural Preservation Overlay District</b>		X
<b>Development Impact Notification Assessment</b>		X
<b>Project of Regional Significance</b>		X

**Town Center** - Development within the UC-TC (Urban Center Mixed-Use - Town Center) land use designation is intended to be multi-storied, having ground floor offices and/or retail with similar or residential uses utilizing the upper floors. The minimum height requirement in Town Center is two stories. There are no density limitations in the UC-TC District. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district. Development in this land use designation shall be consistent with Section 3.4.3, Mixed Use, of the Centennial Hills Sector Plan. Development in the UC-TC District shall be by development agreement per Section 19.18.090.

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Financial Institution (with Drive Through)	2,367 sq ft	1: 200 sq ft GFA + stacking for 6 per drive through lane					
TOTAL (including handicap)			12	1	37	2	Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a separation of 213 feet from a single family dwelling where 330 feet is required.	330 feet from Single Family Residential.	Denial

## ANALYSIS

This proposal for a Financial Institution, General with a drive-through requires a Special Use Permit as it does not meet the required conditions within the Town Center Development Standards Manual. Typically, the principal building is located at the front setback line in accordance with the applicable setback requirements, with the drive-through lane located to the side or the rear of the principal building.

The maximum front setback for development along a Town Center Parkway Arterial is 15 feet from the right-of-way line. The site plan depicts the principal building setback 16.8 feet and was approved with a waiver to Town Center Development Standards Manual (SDR-12901). The City Council denied a Special Use Permit (SUP-12902) for a Drive-Through for a Financial Institution, General.

The proposed drive-through facility is partially screened from the adjacent rights-of-way using landscaping materials. The screening materials shall have a minimum height of three feet above finished grade at the rear of the setback area. However, a portion of the proposed drive-through is not completely screened from Durango Drive and is, therefore, not in compliance with the requirements of the Town Center Development Standards Manual. This application is considered a less intense use because of the addition of the three-foot screening wall which was not part of Special Use Permit (SUP-12902), which was denied by the City Council on 07/19/06.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”
2. “The subject site is physically suitable for the type and intensity of land use proposed.”
3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”
4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”
5. The use meets all of the applicable conditions per Title 19.04.

### **In regard to “1”:**

The proposed land-use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses and with future surrounding land uses as projected by the General Plan.

### **In regard to “2”:**

The subject site is not physically suitable for the proposed use as evidenced by the inability of the proposed drive-through facility to meet the minimum separation distance from the adjacent single-family residential uses. The proposed drive-through is set back approximately 213 feet from the residential property to the west where 330 feet is the minimum required.

**In regard to “3”:**

The site currently receives access off a shared drive from Durango Road, a Town Center Parkway (120-foot) Arterial. Site access should not negatively impact adjacent roadways or neighborhood traffic as the applicants are proposing landscape screening of the drive-through aisle.

**In regard to “4”:**

The proposed development will be subject to inspections for Certificate of Occupancy and; therefore, the development will not compromise the public health, safety or welfare.

**In regard to “5”:**

While the proposed projects complies with Title 19.04; however, it does not comply with the Town Center Development Standards.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 452 by City Clerk

**APPROVALS** 0

**PROTESTS** 0